

1 HB559
2 167960-2
3 By Representatives McMillan, Hill (J), England, McCutcheon,
4 Pettus, Ball, Hammon, Drake, Faulkner, Rowe, Givan, Baker and
5 Sells
6 RFD: Judiciary
7 First Read: 28-APR-15

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8 SYNOPSIS: Under existing law, employees of a local
9 governmental entity may be sued personally for
10 actions taken within the course and scope of their
11 employment.

12 This bill would provide that an employee of
13 a local governmental entity would not be personally
14 liable for an act in the course and scope of his or
15 her employment unless the employee acted in bad
16 faith or acted in a willful or wanton manner.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT
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22 To add Section 11-93-4 to the Code of Alabama 1975,
23 relating to local government; to provide further for the civil
24 liability of employees of local governmental entities for acts
25 in the course and scope of employment.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 11-93-4 is added to the Code of
2 Alabama 1975, to read as follows:

3 §11-93-4.

4 (a) No employee, as defined in this chapter, shall
5 be held personally liable in tort or named as a party
6 defendant in any action for injury or damage suffered as a
7 result of any act, event, or omission of action in the course
8 and scope of his or her employment or function, unless such
9 employee acted in bad faith or with malicious purpose or in a
10 manner exhibiting wanton and willful disregard of human
11 rights, safety, or property.

12 (b) The exclusive remedy for injury or damage
13 suffered as a result of an act, event, or omission by an
14 employee shall be by action against the governmental entity
15 unless such act or omission was committed in bad faith or with
16 malicious purpose or in a manner exhibiting wanton and willful
17 disregard for human rights, safety, or property. A
18 governmental entity shall not be liable in tort for the acts
19 or omissions of an employee while acting outside the course
20 and scope of his or her employment or committed in bad faith
21 or with malicious purpose or in a manner exhibiting wanton and
22 willful disregard of human rights, safety, or property.

23 (c) For purposes of this chapter, an employee is
24 deemed to be within the course and scope of employment if he
25 or she is within the period of his or her employment, at a
26 place where he or she may reasonably be and while he or she is
27 reasonably fulfilling the duties of his or her employment or

1 engaged in doing something incident to it. Further, it shall
2 be a rebuttable presumption that any act or omission of an
3 employee within the time and at the place of his or her
4 employment is within the course and scope of his or her
5 employment.

6 Section 2. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.